

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

KENNY CARL DOSHIER,

Defendant.

Case No. CR-09-042-RAW

ORDER

On January 5, 2010, based on the report of Dr. Terese Hall, the court found that the defendant was not presently competent to stand trial. The court then, pursuant to 18 U.S.C. §4241(d), ordered the defendant to be placed in the custody of the Attorney General to determine whether there was a substantial probability that in the foreseeable future, the defendant would attain the capacity to permit this action to go forward.

On July 15, 2010, based on the report of Dr. Adeirdre Stribling Riley, Ph.D., the court found that there was not a substantial probability that his competency would be restored in the foreseeable future. The parties agreed and the court instructed them to file briefs addressing their views of the requirements and procedures to be applied going forward. The court requested that the parties specifically address the propriety and mechanism for evaluation, time limitations, to whom any re-commitment may be ordered and where the hearing would take place.


The parties have filed their briefs, the court has reviewed and considered them and conducted its own research. The court hereby rules as follows: Defendant is committed to the custody of the

Attorney General and shall be transported to a facility to make a determination of whether a certificate should be issued pursuant to either §4246 or §4248. The defendant shall remain at the facility for such determination for a reasonable period, but not to exceed forty-five days. The director of the facility may apply for a reasonable extension to make the determination, but any extension shall not exceed thirty days.

If the director of the facility issues a certificate pursuant to §4246 or §4248, a copy of the certificate, along with a detailed report supporting its findings, will be transmitted to the defendant, his attorney, the attorney for the Government, this court, and any others required by law. If the director determines that a certificate is not warranted, the court orders that a letter stating such and a detailed report be submitted to this court.

It is so ORDERED this 10th day of August, 2010.

Dated this 10th Day of August 2010.


Ronald A. White
United States District Judge
Eastern District of Oklahoma

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